

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

EDDIE A. MAYES,

Plaintiff,

v.

CIVIL ACTION NO. 3:08-0922

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

MEMORANDUM OPINION AND ORDER

This action was referred to the Honorable R. Clark VanDervort, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the Court deny Plaintiff's Motion for Judgment on the Pleadings, grant Defendant's Motion for Judgment on the Pleadings, affirm the final decision of the Commissioner, and dismiss this matter from the Court's docket. Neither party has filed objections to the Magistrate Judge's findings and recommendation.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **DENIES** Plaintiff's Motion for Judgment on the Pleadings, **GRANTS** Defendant's Motion for Judgment on the Pleadings, **AFFIRMS** the final decision of the Commissioner, and **DISMISSES** this matter from the Court's docket, consistent with the findings and recommendation.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: September 28, 2010

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', written over a horizontal line.

ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE